

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

<b>ANDREW “ANDY” THOMAS,</b>	)	
	)	
<b>PLAINTIFF,</b>	)	<b>CASE NO.: 1:21-cv-2519-TWP-MJD</b>
	)	<b>Judge Tanya Walton Pratt</b>
<b>v.</b>	)	<b>Magistrate Judge Mark J. Dinsmore</b>
	)	
<b>ooSHIRTS, INC. doing business</b>	)	
<b>as www.teechip.com, et al.</b>	)	
	)	
<b>DEFENDANTS.</b>	)	

**PLAINTIFF’S STATUS REPORT REGARDING DISCOVERY**

Pursuant to the Court’s Scheduling Order (Doc. 59), Plaintiff Andy Thomas, by and through the undersigned counsel, hereby reports on the status of discovery in this matter. Plaintiff has been unable to confer with Defendant ooShirts, Inc. regarding this report and this matter since the settlement conference of November 16, 2022. Plaintiff’s counsel will contact Defendant ooShirts, Inc.’s counsel again and provide a supplementary report on or before Friday, December 16, 2022. In response to the Court’s order, Plaintiff reports as follows:

**I. Description of All Discovery Completed to Date**

As of the date of this report, the parties have exchanged initial disclosures pursuant to Rule 26(a). In addition, Plaintiff has propounded a set of requests for production directed to Defendant ooShirts, Inc., who has yet to respond to these discovery requests.

**II. Discovery Presently Scheduled or Pending**

As described in Section I above, Plaintiff currently has an outstanding set of requests for production that is past due. These requests for production were propounded on October 16, 2022 and were due on November 15, 2022. Plaintiff did not receive a response to these requests for production on November 15, 2022, and has not received a response to these requests for production

to date. Defendant ooShirts, Inc.'s counsel emailed Plaintiff's counsel on November 18, 2022, and requested an extension of time up to, and including, December 22, 2022, to respond to Plaintiff's first set of requests for production.

In response, Plaintiff's counsel requested a telephone conference to discuss the request for an extension of time and the status of this matter. Counsel for the parties have been unable to confer on this matter. Plaintiff reached out via email to schedule a time to call previously and more recently, Plaintiff called Defendant ooShirts's counsel on December 9, 2022, to confer. The parties have ben unable to confer on this discovery dispute.

Plaintiff's counsel will reach out to Defendant ooShirts, Inc.'s counsel again this week regarding the outstanding discovery before seeking court intervention. At this time, Plaintiff anticipates the completion of written discovery by the end of January 2023. The parties do not have any depositions scheduled, but Plaintiff anticipates those will be completed after the exchange of written discovery. Plaintiff's counsel, Oliver Maguire, and Defendant ooShirts, Inc.'s counsel, Kelly Milam, are responsible for completing such discovery.

### **III. Discovery Disputes Still Pending**

As described above, Plaintiff's counsel has been unable to confer regarding the outstanding requests for production. Plaintiff's counsel will attempt to confer this week before seeking court intervention to enforce the discovery requests. Plaintiff's counsel, Oliver Maguire, and Defendant ooShirts, Inc.'s counsel, Kelly Milam, are responsible for resolving this discovery dispute.

### **IV. Discovery that is Planned**

Plaintiff anticipates a further set of requests for production and interrogatories directed at Defendant ooShirts. Plaintiff also anticipates requests for admission after he receives interrogatory and request for production responses. After the exchange of written discovery, Plaintiff anticipates

the deposition of Mr. Lei, Mr. Garcia, and Mr. Huang. Plaintiff also anticipates the deposition of Jonathan Wallraven and Mai Tran. Plaintiff's counsel, Oliver Maguire, and Defendant ooShirts, Inc.'s counsel, Kelly Milam, are responsible for completing discovery in this matter.

**V. Discovery Remaining to be Completed**

The parties have yet to complete written discovery and have yet to conduct depositions in this matter. Plaintiff anticipates the completion of written discovery by the end of January 2023. Plaintiff's counsel, Oliver Maguire, and Defendant ooShirts, Inc.'s counsel, Kelly Milam, are responsible for completing discovery in this matter.

**VI. Discovery Issues to be Brought to the Attention of the Court**

Defendant ooShirts, Inc. has yet to provide responses to Plaintiff's first set of requests for production. The requests for production were propounded on October 16, 2022 with a deadline to November 15, 2022 to respond to the requests. Defendant ooShirts, Inc.'s counsel emailed Plaintiff's counsel on November 18, 2022, and requested an extension of time up to, and including, December 22, 2022, to respond to Plaintiff's first set of requests for production.

In response, Plaintiff's counsel requested a telephone conference to discuss the request for an extension of time and the status of this matter. Counsel for the parties have been unable to confer on this matter. Plaintiff reached out via email to schedule a time to call on multiple occasions. Plaintiff's counsel also called Defendant ooShirts's counsel on December 9, 2022.

At this time, Plaintiff would like to draw the Court's attention to one request that is currently outstanding. Plaintiff requested the production of Defendant ooShirts, Inc.'s insurance policy identified in its Rule 26(a) Initial Disclosures. Defendant ooShirts, Inc.'s initial disclosures referenced its insurance policy and stated that it would produce the same after the entry of a protective order. Such a protective order was in place at the time Defendant ooShirts, Inc.

propounded its Initial Disclosures. In addition, such documents are not subject to protection under a protective order and should have been produced.

As stated above, Plaintiff's counsel will confer with Defendant ooShirts's counsel this week to formulate a supplemental discovery report and confer on this discovery dispute. If the parties are unable to resolve this discovery dispute, Plaintiff will seek court intervention under Rule 37 and the mechanism provided under the local rules.

Respectfully submitted,

/s/ Oliver Maguire

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**ANDY THOMAS**

**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that on this 12th day of December 2022, a copy of the foregoing was filed using the Court's CM/ECF system, which automatically sends notice to all counsel of record.

/s/ Oliver Maguire

Counsel for Plaintiff